Executive Summary – Enforcement Matter – Case No. 44371 Jim Hogg County Water Control & Improvement District No. 2 RN101523512 Docket No. 2012-1233-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Hebbronville Plant, located approximately 3,700 feet east of the intersection of State Highway ("SH") 285 and Farm-to-Market Road 1017, on the north side of SH 285, Jim Hogg County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 16, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$7,790

Amount Deferred for Expedited Settlement: \$1,558 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$6,232 **Total Due to General Revenue:** \$0

Payment Plan: N/A **SEP Conditional Offset:** \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

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Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 22, 2012

Date(s) of NOE(s): June 6, 2012

Violation Information

- 1. Failed to comply with the permitted effluent limitations for ammonia nitrogen and total suspended solids [Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010799001 Effluent Limitations and Monitoring Requirements No. 1].
- 2. Failed to submit a complete sludge report for the monitoring period ending July 31, 2011 by September 1, 2011. Specifically, the sewage sludge for landfill disposal ("SLDF") discharge monitoring report ("DMR") for the 2011 sludge report was not submitted [30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0010799001, Sludge Provisions].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require Respondent to:

- a. Within 30 days:
- i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of annual sludge reports; and
- ii. Submit the complete SLDF DMR for the 2011 sludge report.
- b. Within 45 days, submit written certification of compliance with Ordering Provision a.
- c. Within 90 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010799001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

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Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jennifer Graves, Enforcement Division,

Enforcement Team 1, MC R-15, (956) 430-6023; Debra Barber, Enforcement Division,

MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Santos Cantu, President, Jim Hogg County Water Control &

Improvement District No. 2, P.O. Box 148, Hebbronville, Texas 78361

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW) Policy Revision 3 (September 2011) PCW Revision August 3, 2011 DATES Assigned 11-Jun-2012 PCW 27-Jul-2012 Screening 19-Jun-2012 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Jim Hogg County Water Control & Improvement District No. 2 Reg. Ent. Ref. No. RN101523512 Facility/Site Region 15-Harlingen Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 44371 No. of Violations 2 Docket No. 2012-1233-MWD-E Order Type 1660 Government/Non-Profit Yes Media Program(s) Water Quality Multi-Media Enf. Coordinator Jennifer Graves EC's Team Enforcement Team 1 \$0 Maximum \$25,000 Admin. Penalty \$ Limit Minimum Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$2,750 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** 100.0% Enhancement Subtotals 2, 3, & 7 \$2,750 Enhancement for 18 months of self-reported effluent violations, two NOVs with same/similar violations, two NOVs with dissimilar violations, Notes and one order without a denial of liability. Subtotal 4 Culpability No 0.0% Enhancement \$0 Notes The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 Subtotal 6 **Economic Benefit** 0.0% Enhancement* \$0 Total EB Amounts Capped at the Total EB \$ Amount Approx. Cost of Compliance \$5,500 SUM OF SUBTOTALS 1-7 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% \$0 Adjustment Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$5,500

Final Assessed Penalty

Reduction Adjustment

20.0%

\$5,500

-\$1,100

\$4,400

STATUTORY LIMIT ADJUSTMENT

Notes

PAYABLE PENALTY

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Deferral offered for expedited settlement.

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Screening Date 19-Jun-2012

Docket No. 2012-1233-MWD-E

Respondent Jim Hogg County Water Control & Improvement [

Case ID No. 44371

Reg. Ent. Reference No. RN101523512

Media [Statute] Water Quality Enf. Coordinator Jennifer Graves

> Compliance Histo	Compliance History Worksheet ry Site Enhancement (Subtotal 2)				
	Number of	Enter Number Here	Adjust.		
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	20	100%		
	Other written NOVs	2	4%		
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%		
Orders .	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%		
Judgments	and Consent				
Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%		
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%		
Emissions	Chronic excessive emissions events (number of events)	0	0%		
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%		
Addition	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%		
	Ple	ase Enter Yes or No			
	Environmental management systems in place for one year or more	No	0%		
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%		
Gene.	Participation in a voluntary pollution reduction program	No	0%		
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%		
	Adjustment Per	centage (Subt	total 2) 129%		
> Repeat Violator (Subtotal 3)				
No	Adjustment Per	centage (Subt	total 3) 0%		
> Compliance Histo	ry Person Classification (Subtotal 7)				
Average Pe	rformer Adjustment Per	centage (Subt	otal 7) 0%		
> Compliance Histo	ry Summary				
Compliance History Notes	Enhancement for 18 months of self-reported effluent violations, two NOVs with violations, two NOVs with dissimilar violations, and one order without a denial	the first of the second			
> Final Compliance F	Total Compliance History Adjustment Percentage (S listory Adjustment Final Adjustment Percenta				

Screen	ing Date	19-Jun-2012		Docket No). 2012-1233-MWD-E		PCW
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	se ID No.					PCW Re	vision August 3, 2011
Reg. Ent. Refer							
		Water Quality					
\$1.500.000000000000000000000000000000000	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	Jennifer Graves					
Violatio	on Number	1					
Rı	ule Cite(s)				Code § 305.125(1), a		
			-	the contract of the contract o	S") Permit No. WQ0010 Requirements No. 1	799001	
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OR 4	Actual	Trajor P	×				
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>>Programmatic		6.6	•				
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	l				Percent 0.0%		
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							\$1,250

Violation Events							****
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	ark only one with an x	daily weekly monthly quarterly semiannual annual single event	x		Violation Base	e Penalty	\$2,500
	Two quarter	ly events are recon	nmended for the	quarters contain	ning the months of Dec	ember	
	THO quarter		, January 2012, a			.C.IIIDCI	
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Good Faith Efforts	e to Comn		0.0% Reduct	inn			\$0
GOOG FAIGH ENOIG	s to comp			EDPRP/Settlement	Offer		
		Extraordinary					
		Ordinary					***
		N/A	X (mark w	ith x)			
		Notes	e Respondent doe	s not meet the this violation.	good faith criteria for		**************************************
		***************************************			Violation	Subtotal	\$2,500
Economic Benefit	(EB) for 1	his violation			Statutory Limit	Test	***
	Estimate	d EB Amount		\$0	Violation Final Pena	lty Total	\$5,000
			This violation F	inal Assessed	Penalty (adjusted fo	r limits)	\$5,000

		conomic		\$2000 - FF FF			and the second
		nty Water Control	& Improvement	t Distri	ict No. 2		
Case ID No.							
eg. Ent. Reference No.		:				r	
	Water Quality					Percent Interest	Years of
Violation No.	1		. SANGES	50,000000000000000000000000000000000000	7 : SEE SEE SEE SEE SEE SEE SEE SEE	e en e	Depreciation
						5.0	15
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Item Description	No commas or \$					100 mm	
Delayed Costs	¥.						
Equipment	7. T.			0.00	\$0	\$0	\$0
Buildings	A STATE OF STATE			0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a -Mf-co	\$0
Record Keeping System				0.00	\$0	n/a = 60	\$0
Training/Sampling	*****			0.00	\$0	- n/a - #ill	\$0
Remediation/Disposal			er e e	0.00	\$0	n/a #	\$0
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Other (as needed)				0.00	\$0	n/a	\$0
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		19-Jun-2012			No. 2012-1233-MWD-E		PCW
REPORT AND RESERVE OF STREET AND AND CONTRACTOR CONTRACTOR	***********************	Jim Hogg County	/ Water Control &	Improvement [District No. 2	-	on 3 (September 2011)
	se ID No.					PCW R	evision August 3, 2011
Reg. Ent. Refer							
		Water Quality					
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1	on Number	2					
R	tule Cite(s)	30 Tex. Admin. (Code § 305.125(1) and (17) and	TPDES Permit No. WQ00	10799001,	
				Sludge Provision	ns		
Violation I	Description	2011 by Septer May 22, 201	mber 1, 2011, as 12. Specifically, th	documented du ne sewage sludg	monitoring period endin- ring a record review conc le for landfill disposal disc lge report was not submi	lucted on harge	
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	Release	Major	Harm Moderate M	tinor			
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>>Programmatio	: Matrix	a de la companya de					Programma
	Falsification	Major	Moderate M	linor			
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Matrix		70	% of the permit	requirement was	met.	.	
Notes							
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100 T				1.0	Adjustment	\$24,750	1

						L	\$250
Violation Events							
	Number of V	/iolation Events	1	263	Number of violation	dave	
	Number of V	lolation Events			IVATIOCI OI VIOIAGOTI	uays	
n	nark only one with an x	daily weekly monthly quarterly semiannual annual single event	x		Violation Base	e Penalty	\$250

			One single event	t is recommende	d.		***************************************
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Good Faith Effort	s to Comp)IY	0.0% Redu	i ction o EDPRP/Settlemen	+ ∩ffer	·	\$0
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		Ordinary					***************************************
		· 1)					9
		N/A _	x (mark	with x)			
		Notes	The Respondent d	loes not meet th this violation	e good faith criteria for i.		
		_			Violation	Subtotal	\$250
•	/==>					_	,
Economic Benefit	(ER) tor	tnis violation			Statutory Limit	_	
	Estimate	ed EB Amount		\$16	Violation Final Pena	Ity Total	\$500
			This violatio	n Final Assesse	ed Penalty (adjusted fo	r limits)	\$500
						A.A.	

	E(conomic	Reneut	WO	rksneet	4.7	
Case ID No.	44371	nty Water Control	& Improvemen	t Distri	ct No. 2	and a graph of the state of the	
Reg. Ent. Reference No. Media Violation No.	Water Quality					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
.				2332.53 9 45	N 74 FE		
Delayed Costs Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0 \$0	\$0	\$0 \$0
Other (as needed)	\$50	1-Sep-2011	31-Mar-2013	1.58	\$0	\$5	\$6
Engineering/construction	330	1 300 2011	JI HOL ZOLJ	0.00	\$0	\$0	\$0
Land				0.00	\$0	4 4/2	\$0
Record Keeping System		i		0.00	\$0	# n/a	\$0
Training/Sampling	\$250	22-May-2012	31-Mar-2013	0.86	\$11	4 Seen/alle	\$11
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Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	The final date conduct emp and all rep	is the expected deloyee training to porting requireme	ate of complian ensure that all nts are met. D expected	0.00 0.00 dge report of the content	\$0 \$0 port. Date require e estimated cost tring records are pr uired is the record f compliance. \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ed is the date the report of the compart of the com	\$0 \$0 port was due. Il guidance and and submitted date is the ied costs) \$0 \$0 \$0 \$0 \$0
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Penalty Calculation Worksheet (PCW) PCW Revision October 30, 2008 Policy Revision 2 (September 2002) Assigned 11-Jun-2012 PCW 19-Jun-2012 Screening 19-Jun-2012 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Jim Hogg County Water Control & Improvement District No. 2 Reg. Ent. Ref. No. RN101523512 Major/Minor Source Minor Facility/Site Region 15-Harlingen **CASE INFORMATION** Enf./Case ID No. 44371 No. of Violations 1 Docket No. 2012-1233-MWD-E Order Type 1660 Government/Non-Profit Yes Media Program(s) Water Quality Multi-Media Enf. Coordinator Jennifer Graves EC's Team Enforcement Team 1 Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$1,000 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** 129.0% Enhancement Subtotals 2, 3, & 7 \$1,290 Enhancement for 18 months of self-reported effluent violations, two Notes NOVs with same/similar violations, two NOVs with dissimilar violations, and one order without a denial of liability. Subtotal 4 Culpability 0.0% Enhancement \$0 No The Respondent does not meet the culpability criteria. Notes Subtotal 5 Good Faith Effort to Comply Total Adjustments \$0 Subtotal 6 \$0 **Economic Benefit** 0.0% Enhancement* Total EB Amounts Capped at the Total EB \$ Amount \$1,344 Approx. Cost of Compliance \$10,000 **SUM OF SUBTOTALS 1-7** \$2,290 Final Subtotal \$0 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$2,290 STATUTORY LIMIT ADJUSTMENT \$2,290 Final Assessed Penalty DEFERRAL 20.0% Reduction Adjustment -\$458

(Enter number only; e.g.

Deferral offered for expedited settlement.

PAYABLE PENALTY

20 for 20% reduction.)

\$1,832

Reduces the Final Assessed Penalty by the indicted percentage.

Notes

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Respondent Jim Hogg County Water Control & Improvement District No. 2

Case ID No. 44371

Reg. Ent. Reference No. RN101523512 Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of	Enter Number Here	Adjust.		
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	20	100%		
	Other written NOVs	2	4%		
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%		
Orders	Any adjudicated final enforcement orders agreed final enforcement order				
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)		0%		
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non- adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%		
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%		
Emissions	Chronic excessive emissions events (number of events)	0	0%		
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%		
Audits (Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%		

	Ple	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
)	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) | 129% >> Repeat Violator (Subtotal 3) Adjustment Percentage (Subtotal 3) >> Compliance History Person Classification (Subtotal 7) Average Performer Adjustment Percentage (Subtotal 7) >> Compliance History Summary

Compliance History **Notes**

Enhancement for 18 months of self-reported effluent violations, two NOVs with same/similar violations, two NOVs with dissimilar violations, and one order without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 129%

Scre	ening Date	19-Jun-2012	Doc	ket No. 2012-1233-MWD-E	PCW
	Respondent	Jim Hogg County \	Water Control & Improve	ment District No. 2	Policy Revision 2 (September 2002)
\$15,000 KIDDON 1	Case ID No.				PCW Revision October 30, 2008
Reg. Ent. Re	ference No.	RN101523512			
Medi	a [Statute]	Water Quality			
\$1. VI. C	- colors constance contract colors and a color c	Jennifer Graves			
Viol	ation Number	1			
	Rule Cite(s)			Admin. Code § 305.125(1), a	
		Pollutant Discha	•	("TPDES") Permit No. WQ0010	799001
		Efflu	ent Limitations and Mon	toring Requirements No. 1	
Violatio	n Description		-	ent limitations, as documented	
Violatio	Description	record review	on May 22, 2012, and s	hown in the attached violation	table.
				Pac	e Penalty \$10,000
				Dasi	e Penalty \$10,000
>> Environme	ntal Proper	ty and Human	Health Matrix		
	indi, i i opci		Harm		
	Release	Major N	Noderate Minor		
OR	Actual		X		
1	Potential			Percent 10%	
¥.					
>>Programma		į.			
	Falsification	Major N	Moderate Minor		
				Percent 0%	
2	·				
	A simplified m	nodel was used to e	valuate ammonia nitroge	en to determine whether the di	scharged
				health or the environment. A	
Matrix			•	s been exposed to insignificant	
Notes	of pollutants	which do not exce	ed levels that are protect	tive of human health or enviror	ımental
*			receptors.		
	<u> </u>				
				Adjustment	\$9,000
		•			
					\$1,000
Violation Event	is .				
	N	Calabian Evanba		20 Mumbar of violation	dava
	Number of V	Violation Events		30 Number of violation of	Jays
	1	<u>-</u>			Monorcia
		daily			
		weekly	· · · · · · · · · · · · · · · · · · ·		
	mark only one	monthly		Violation Base	Penalty \$1,000
	with an x	quarterly semiannual		Violation base	Felialty \$1,000
		!			
		annual single event			
	I	Single event			***************************************
	One quar	terly event is recom	mended for the quarter	containing the month of April 2	011.
		,			
	<u> </u>				
Good Faith Effo	orts to Com	olv	0.0% Reduction		\$0
			efore NOV NOV to EDPRP/Se	ttlement Offer	on an area and an area and area area.
		Extraordinary			waxoo
		Ordinary			
		N/A	χ (mark with x)		
		, ^	<u>, , , , , , , , , , , , , , , , , , , </u>		
		Notes	•	eet the good faith criteria for	***************************************
***************************************		110103	this vi	olation.	ANYTHRO
		الـــــــ	<u> </u>		of the second of
				Violation	Subtotal \$1,000
					7-1-00
Economic Bene	fit (EB) for	this violation		Statutory Limit	Test
	Estimate	ed EB Amount	\$1,344	Violation Final Pena	Ity Total \$2,290
de la company de			This violation Final Ac	sessed Penalty (adjusted fo	r limits) \$2,290
			rins viviativii Filial AS	sesseu renany (aujusteu 10	\$2,290
and the second second second second		Sandanian Carantel Sandanian Sandanian Sandanian Sandanian Sandanian Sandanian Sandanian Sandanian Sandanian S			

	44371	,	a improvemen	t Distri	ict No. 2		
	Water Quality					Percent Interest	Years of Depreciation
Violation No.	1		Barra Barra			5.0	Depreciation 15
End because	Thomas Counts	Date Bearing	Final Date	V	Totalest Favor	Onetime Costs	EB Amount
Item Description		Date Required	Fillal Date	113	Interest saveu	Onedine Costs	LB AMOUNT
Delayed Costs	326		2.5				
Equipment		T I		0.00	\$0	\$0	\$0
Buildings	8,000 Pr	77 (4-1).		0.00	\$0	\$0	\$0
Other (as needed)	\$10,000	30-Apr-2011	31-Mar-2013	1.92	\$64	\$1,280	\$1,344
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a : 154	\$0
Training/Sampling				0.00	\$0	reation/a cress	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	L	8	-	0.00	\$0	r e i e n/a e e e	\$ 0
Other (as needed)	Estimated co	ost to conduct an e	evaluation of th	0.00 e wast	l \$0 ewater treatment	n/a system to determine	\$0 the cause of
Other (as needed) Notes for DELAYED costs		nce and implemen	t corrective acti	e wast	ewater treatment	system to determine e initial month of no	the cause of
, ,	noncompliar	nce and implemen F	t corrective action in all date is the	e wast ions. I expect	ewater treatment Date required is the ed date of complia	system to determine e initial month of no ince. for one-time avoid	e the cause of ncompliance.
Notes for DELAYED costs	noncompliar	nce and implemen F	t corrective action in all date is the	e wast ions. I expect enterii 0.00	ewater treatment Date required is the led date of complia lightem (except \$0	system to determine e initial month of no ince. for one-time avoid \$0	e the cause of ncompliance. led costs)
Notes for DELAYED costs Avoided Costs Disposal Personnel	noncompliar	nce and implemen F	t corrective action in all date is the	e wasteions. I expect	ewater treatment Date required is the date of compliand item (except \$0 \$0	system to determine e initial month of no ince. for one-time avoid \$0 \$0	e the cause of ncompliance. led costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	noncompliar	nce and implemen F	t corrective action in all date is the	e wastrions. It expects enterin 0.00 0.00 0.00	ewater treatment Date required is the led date of compliant from (except \$0 \$0 \$0 \$0	system to determine e initial month of no ince. for one-time avoid \$0 \$0 \$0 \$0	the cause of ncompliance. led costs) \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	noncompliar	nce and implemen F	t corrective action in all date is the	e waste ions. I expect enterin 0.00 0.00 0.00	ewater treatment Date required is the led date of compliant from the least section of the lea	system to determine e initial month of no ince. for one-time avoid \$0 \$0 \$0 \$0 \$0	the cause of ncompliance. led costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	noncompliar	nce and implemen F	t corrective action in all date is the	e waste expect 0.00 0.00 0.00 0.00 0.00 0.00	ewater treatment Date required is the led date of complia In term (except \$0 \$0 \$0 \$0 \$0 \$0	system to determine e initial month of no ince. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the cause of ncompliance. led costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	noncompliar	nce and implemen F	t corrective action in all date is the	e wasto	ewater treatment Date required is the red date of compliant some some some some some some some some	system to determine e initial month of no ince. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the cause of ncompliance. led costs) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	noncompliar	nce and implemen F	t corrective action in all date is the	e waste expect 0.00 0.00 0.00 0.00 0.00 0.00	ewater treatment Date required is the led date of complia In term (except \$0 \$0 \$0 \$0 \$0 \$0	system to determine e initial month of no ince. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the cause of ncompliance. led costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel repection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	noncompliar	nce and implemen F	t corrective action in all date is the	e wasto	ewater treatment Date required is the red date of compliant some some some some some some some some	system to determine e initial month of no ince. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the cause of ncompliance. the cause of ncompliance. the costs
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	noncompliar	nce and implemen F	t corrective action in all date is the	e wasto	ewater treatment Date required is the red date of compliant some some some some some some some some	system to determine e initial month of no ince. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the cause of ncompliance. the cause of ncompliance. the costs
Avoided Costs Avoided Costs Disposal Personnel repection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	noncompliar	nce and implemen F	t corrective action in all date is the	e wasto	ewater treatment Date required is the red date of compliant some some some some some some some some	system to determine e initial month of no ince. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the cause of ncompliance. led costs) \$0 \$0 \$0 \$0 \$0 \$0

EFFLUENT VIOLATION TABLE Jim Hogg County Water Control & Improvement District No. 2 TPDES Permit No. WQ0010799001 Docket No. 2012-1233-MWD-E NH_3-N NH₃-N **TSS TSS** Daily Max. Conc. Daily Avg. Conc. Daily Avg. Conc. Daily Max. Conc. Limit = 3 mg/LLimit = 10 mg/LLimit = 15 mg/LLimit = 40 mg/LMonths April 2011 4.05 c \mathbf{c} c December 2011 10.5 34.35 70 5.23 January 2012 6.44 14.7 c \mathbf{c} February 2012 3.97 17 c \mathbf{c}

 NH_3 -N = ammonia nitrogen

TSS = total suspended solids

Avg. = Average

Conc. = Concentration

Max. = Maximum

mg/L = milligrams per liter

c = compliant

Compliance History Report

Customer/Respondent/Owner-Operator:

CN600682348

Jim Hogg County WCID No. 2

Classification: AVERAGE

Rating: 2.35

Regulated Entity:

RN101523512

HEBBRONVILLE PLANT

Classification: AVERAGE

Site Rating: 1.69

ID Number(s):

WASTEWATER

PERMIT

WQ0010799001

WASTEWATER

EPA ID

TX0101826

SLUDGE

REGISTRATION

22199

WASTEWATER LICENSING

LICENSE

WQ0010799001

Location:

APPROX 3,700 FT E OF THE INTX OF STATE HWY 285 AND FM RD 1017, ON THE N SIDE OF STATE HWY 285 IN JIM HOGG CO, TX

TCEQ Region:

REGION 15 - HARLINGEN

Date Compliance History Prepared:

June 18, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period:

June 18, 2007 to June 18, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Jennifer Graves

Phone:

(956) 430-6023

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?

YES

2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO

3. If YES, who is the current owner/operator?

4. If YES, who was/were the prior owner(s)/operator(s)?

N/A

ADMINORDER 2010-0165-MWD-E

5. If YES, when did the change(s) in owner or operator occur?

N/A

Rating Date: 9/1/2011

Repeat Violator: NO

Components (Multimedia) for the Site:

Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 08/09/2010

Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rgmt Prov: Eff. Lim. and Mon. Reg. No. 1 PERMIT

Description: Failed to meet permitted effluent limitations.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

Chronic excessive emissions events.

The approval dates of investigations. (CCEDS Inv. Track. No.) D.

1 03/01/2012 (1004972)

2 03/12/2012 (1004973)

3 06/06/2012 (1007704)

4 04/12/2012 (1011529)

5	07/16/2007	(605080)
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- 6 08/20/2007 (605081)
- 7 09/13/2007 (605082)
- 8 11/30/2007 (609406)
- 9 10/18/2007 (628031)
- 10 11/26/2007 (628032)
- 11 12/20/2007 (628033)
- 12 02/19/2008 (676310)
- 13 01/14/2008 (676311)
- 14 08/07/2008 (682870)
- 15 03/17/2008 (694702)
- 16 04/18/2008 (694703)
- 17 05/16/2008 (694704)
- 18 06/23/2008 (716179)
- 19 07/11/2008 (716180)
- 20 08/13/2008 (716181)
- 21 09/17/2008 (716182)
- 22 10/20/2008 (716183)
- 23 11/10/2008 (731705)
- 24 12/12/2008 (731706)
- 25 02/20/2009 (755102)
- 26 01/12/2009 (755103)
- 27 03/23/2009 (772235)
- 28 04/22/2009 (772236)
- 29 05/18/2009 (772237)
- 30 01/28/2010 (782224)
- 31 02/11/2010 (816714)
- 32 10/16/2009 (816715)
- 33 11/16/2009 (816716)
- 34 12/14/2009 (816717)
- 35 01/15/2010 (816718)

36	03/	10/2010	(835088)
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- 37 04/15/2010 (835089)
- 38 05/13/2010 (835090)
- 39 06/09/2010 (847555)
- 40 06/30/2010 (861960)
- 41 08/13/2010 (868515)
- 42 09/16/2010 (875416)
- 43 10/14/2010 (882966)
- 44 03/04/2011 (892933)
- 45 11/12/2010 (897750)
- 46 12/16/2010 (897751)
- 47 01/27/2011 (903639)
- 48 02/15/2011 (910532)
- 49 04/20/2011 (929348)
- 50 06/15/2009 (929349)
- 51 07/15/2009 (929350)
- 52 08/19/2009 (929351)
- 53 09/22/2009 (929352)
- 54 05/27/2011 (939485)
- 55 06/08/2011 (940853)
- 56 06/03/2011 (946891)
- 57 07/11/2011 (954158)
- 58 09/01/2011 (955500)
- 59 12/19/2011 (957589)
- 60 08/05/2011 (960733)
- 61 09/22/2011 (966823)
- 62 09/12/2011 (966824)
- 63 10/10/2011 (972803)
- 64 11/14/2011 (978944)
- 65 12/12/2011 (985776)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

> CN600682348 08/08/2008 (682870)Date:

Self Report? NO Classification: Minor

30 TAC Chapter 305, SubChapter F 305.125(5) Citation:

30 TAC Chapter 317 317.3

Failure to properly operate and maintain the on-site lift station, as required by 30 Description:

TAC Chapter 305.125 (5).

Self Report? NO Classification: Minor

30 TAC Chapter 305, SubChapter F 305.125(5) Citation:

Description: Failure to properly operate and maintain the bar screen.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a) 30 TAC Chapter 319, SubChapter A 319.7(c)

Failure to maintain calibration and maintenance records for the pH meter and the Description:

dissolved oxygen meter.

CN600682348 Date: 03/31/2009 (772236)

Self Report? YES Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

CN600682348 Date: 04/30/2009 (772237)

Self Report? Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2009 (929349)CN600682348

Self Report? YES Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1)

Citation:

Date: 12/31/2009

Description: Failure to meet the limit for one or more permit parameter

2D TWC Chapter 26, SubChapter A 26.121(a)

Date: 06/30/2009 (929350)CN600682348

Self Report? YES Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

CN600682348 Date: 11/30/2009 (816717)

Self Report? Classification: Moderate

2D TWC Chapter 26, SubChapter A 26,121(a) Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

(816718)

(816714)

Description: Failure to meet the limit for one or more permit parameter

Self Report? Classification: Moderate

CN600682348

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

CN600682348 Date: 01/31/2010

Self Report? YES Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date: 02/28/2010

(835088)

CN600682348

Classification:

Classification:

Moderate

Moderate

Moderate

Moderate

Self Report? YES

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Citation:

Failure to meet the limit for one or more permit parameter

Date: 03/31/2010

CN600682348 (835089)

Self Report? Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date: 04/30/2010

(835090)

CN600682348

Self Report? YES

Classification:

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

Description:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter

Date: 06/30/2010

(861960)

CN600682348

Self Report? YES

Classification:

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date: 12/31/2010 Self Report?

(903639)

CN600682348

Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date: 01/31/2011

(910532)

CN600682348

Self Report? YES

2D TWC Chapter 26, SubChapter A 26.121(a)

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date: 04/30/2011 (939485)

CN600682348

Self Report?

Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date: 06/08/2011

(940853)

CN600682348

Self Report?

Moderate Classification:

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description:

NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report?

Classification: Moderate

Classification:

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description:

NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 09/01/2011

(955500)

CN600682348

Self Report?

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

30 TAC Chapter 305, SubChapter F 305.125(17)

NON-RPT VIOS FOR MONIT PER OR PIPE Description:

Self Report? NO Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

30 TAC Chapter 305, SubChapter F 305.125(17)

NON-RPT VIOS FOR MONIT PER OR PIPE Description:

Description:

Self Report? Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

NON-RPT VIOS FOR MONIT PER OR PIPE

Classification: Self Report? NO Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)

NON-RPT VIOS FOR MONIT PER OR PIPE Description:

Self Report? NO Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

30 TAC Chapter 305, SubChapter F 305.125(17)

NON-RPT VIOS FOR MONIT PER OR PIPE Description:

Self Report? NO Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

30 TAC Chapter 305, SubChapter F 305.125(17)

NON-RPT VIOS FOR MONIT PER OR PIPE Description:

CN600682348 Date: 12/19/2011 (957589)

Classification: Self Report? NO Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.3

Failure to properly operate and maintain the on-site lift station, as required by 30 Description:

TAC Chapter 305.125 (5).

Self Report? NO Classification: Minor

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

30 TAC Chapter 305, SubChapter F 305.125(5)

WQ0010799001 PERMIT

Description: Failure to adequately maintain the onsite standby generator as per as required by

30 TAC Chapter §305.125 (5), WQ0010799001, Operational Requirements, #4.

Self Report? Classification: Minor

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

WQ0010799001 PERMIT

Description: Failure to maintain and annually calibrate the flow measuring device, as required

by 30 TAC Chapter §305.125 (1), WQ0010799001, Monitoring and Reporting

Requirements, Calibration of Instruments.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a) 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to maintain and provide calibration maintenance records for analytical

equipment used, as required by 30 TAC Chapter §305.125 (1), WQ0010799001,

Calibration of Instruments.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

WQ0010799001 PERMIT

Description: Failure to properly operate and maintain the facility and all systems of collection,

treatment, and disposal as required by 30 TAC Chapter §305.125 (5),

WQ0010799001, Operational Requirements, #1.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

WQ0010799001 PERMIT

Description: Failure to properly operate and maintain the facility and all systems of collection,

treatment, and disposal as required by 30 TAC Chapter §305.125 (5),

WQ0010799001, Operational Requirements, #1.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

WQ0010799001 PERMIT

Description: Failure to properly operate and maintain the facility and all systems of collection,

treatment, and disposal as required by 30 TAC Chapter §305.125 (5),

WQ0010799001, Operational Requirements, #1

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.6

Description: Failure to maintain the in house laboratory as required by 30 TAC Chapter

§319.6. The permittee shall assure the quality of all measurements through the

use of blanks, standards, duplicate analyses, and spikes.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

WQ0010799001 PERMIT

Description: Failure to maintain rags and debris collected from the non functioning headworks,

as required by 30 TAC Chapter §305.125 (1), WQ0010799001, Operational

Requirements, #1.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Wq0010799001 PERMIT

Description: Failure to properly operate and maintain the facility and all systems of collection,

treatment, and disposal as required by 30 TAC Chapter §305.125 (5),

WQ0010799001, Operational Requirements, #1

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

TX0101826 PERMIT

Description: Failure to properly operate and maintain the bar screen.

Date: 12/31/2011 (992117) CN600682348

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2012 (1004972) CN600682348

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 02/29/2012 (1004973) CN600682348

Self Report? YES Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2012 (1011529)

CN600682348

Self Report? YES

Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	8	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
JIM HOGG COUNTY WATER	§	TEXAS COMMISSION ON
CONTROL & IMPROVEMENT	§	
DISTRICT NO. 2	§	
RN101523512	§	ENVIRONMENTAL QUALITY
		_

AGREED ORDER DOCKET NO. 2012-1233-MWD-E

I. JURISDICTION AND STIPULATIONS

On _______, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Jim Hogg County Water Control & Improvement District No. 2 ("Respondent") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent owns and operates a wastewater treatment plant located approximately 3,700 feet east of the intersection of State Highway 285 and Farm-to-Market Road 1017, on the north side of State Highway 285 in Jim Hogg County, Texas (the "Facility").
- 2. The Respondent has discharged municipal waste into or adjacent to any water in the state under Tex. Water Code ch. 26.
- 3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 11, 2012.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

- 6. An administrative penalty in the amount of Seven Thousand Seven Hundred Ninety Dollars (\$7,790) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Two Hundred Thirty-Two Dollars (\$6,232) of the administrative penalty and One Thousand Five Hundred Fifty-Eight Dollars (\$1,558) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 Tex. ADMIN. CODE § 70.10(a).
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to comply with the permitted effluent limitations, in violation of Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010799001 Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on May 22, 2012, and shown in the table below:

EFFLUENT VIOLATION TABLE						
	NH ₃ -N Daily Avg. Conc.	NH ₃ -N Daily Max. Conc.	TSS Daily Avg. Conc.	TSS Daily Max. Conc.		
Months	Limit = 3 mg/L	Limit = 10 mg/L	Limit = 15 mg/L	Limit = 40 mg/L		
April 2011	4.05	С	С	С		
December 2011	5.23	10.5	34.35	70		
January 2012	6.44	14.7	c	c		
February 2012	3.97	17	c	c		
NH_3 - N = ammor TSS = total suspection Avg. = $Average$	•	Max. = Maximum mg/L = milligrams per liter c = compliant				
Conc. = Concentration						

2. Failed to submit a complete sludge report for the monitoring period ending July 31, 2011 by Septemebr 1, 2011, in violation of 30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0010799001, Sludge Provisions, as documented during a record review conducted on May 22, 2012. Specifically, the sewage sludge for landfill disposal ("SLDF") discharge monitoring report ("DMR") for the 2011 sludge report was not submitted.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Jim Hogg County Water Control & Improvement District No. 2, Docket No. 2012-1233-MWD-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of annual sludge reports, in accordance with TPDES Permit No. WQ0010799001;
 - ii. Submit the complete SLDF DMR for the 2011 sludge report, in accordance with TPDES Permit No. WQ0010799001, Sludge Provisions;
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 2.a, in accordance with Ordering Provision No. 2.c; and
 - c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010799001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section, Manager Harlingen Regional Office Texas Commission on Environmental Quality 1804 West Jefferson Avenue Harlingen, Texas 78550-5247

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 7. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission					
For the Executive Director	1/18/13 Date				
I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.					
 I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in: A negative impact on compliance history; Greater scrutiny of any permit applications submitted; Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency; Increased penalties in any future enforcement actions; Automatic referral to the Attorney General's Office of any future enforcement actions; and TCEQ seeking other relief as authorized by law. In addition, any falsification of any compliance documents may result in criminal prosecution. 					
Signature Signature	9/14/12 Date				
SANTOS CANTU	PRESIDENT				
Name (Printed or typed) Authorized Representative of Jim Hogg County Water Control & Improvement Dist	Title				

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.